if there has been a breach of confidence, or contract by such buyer, he will be enjoined. *Simmons Medicine Co.* v. *Simmons,* 81 Fed. 163.

Where the owner of a business sells his business, which includes the secret method of manufacture, the vendee can restrain the vendor from disclosing the secret to third persons. *Pomeroy Ink Co.* v. *Pomeroy,* 77 N. J. Eq. 293, 78 Atl. 698. But if the buyer of a trade secret is in default of payments, no injunction will lie against the seller. *New York Chemical Co.* v. *Halleck,* 15 N. Y. Supp. 517. Equity will not enjoin one who has, without fraud, breach of trust or confidence, learned a secret process, and who does not attempt to deceive the public by calling it the original. *Tabor* v. *Hoffman,* 118 N. Y. 30, 23 N. E. 12, 16 Am. St. Rep. 740.

An interesting question arises where a trade secret or a secret formula is lost and the paper on which it is written is found by another. Though no cases have been found on this point, it would seem that equity would not enjoin the use of the secret, because one who acquires a trade secret honestly is entitled to use it.

INJUNCTION—LIBEL—SUBJECT OF RELIEF.—The plaintiff issued a statement declining to become a candidate for office, but later became a candidate. The defendant, a newspaper corporation, on the eve of election published the plaintiff's above mentioned statement. The constitution of the state contained the usual provision safeguarding the freedom of speech and of the press. It was sought to enjoin the publication. *Held,* no injunction lies. *Howell* v. *Bee Publishing Co.* (Neb.), 158 N. W. 358.

It has been held in England since the English Judicature Act of 1873 [36 & 37 Vict., Ch. 66, § 25 (8)], that equity courts have jurisdiction to grant injunctions for slander and libel affecting one's business. *Loog* v. *Bean,* L. R. 26 Ch. Div. 306; *Thomas* v. *Williams,* L. R. 14 Ch. Div. 864. This extension of jurisdiction is not based upon any statutory enlargement of the inherent powers of equity, but is the result of the new system put in force by the above act, by which one court is empowered to administer both legal and equitable remedies in any and all actions. 4 POMEROY, EQUITY JURISPRUDENCE, 1358. But see *contra, Prudential Assn. Co.* v. *Knott,* L. R. 10 Ch. App. 142.

By the great weight of authority in this country courts of equity have refused to restrain the publication of a libel, where there is no other ground for the interposition of equity than the libel itself. The reasons usually given are: First, that the defendant has full remedy for his alleged wrongs by an action at law for damages. *Francis* v. *Flinn,* 118 U. S. 385. Second, that equity has no jury to determine the truth or falsity of the alleged slander or libel. *Citizen's Light, etc., Co.* v. *Montgomery, etc., Co.,* 171 Fed. 553. Third, that such an injunction would be violative of the constitutional provisions which safeguard the right of every citizen to freely speak or write on all subjects. *Life Assn. of America* v. *Boogher,* 3 Mo. App. 173. An interesting case under this latter head was *Dailey* v. *Superior Court,* 112 Cal. 94, 44 Pac. 458, 32 L. R. A. 273, where a court of equity refused to restrain the production of a play,

based on the facts of a pending trial, though it threatened to interfere with the administration of justice and deprive the accused of a fair trial.

The jurisdiction of a court of chancery does not extend to cases of libel or slander, or of false representations as to the character or quality of the plaintiff's property, or as to his title thereto where no breach of contract or trust is involved. *Raymond* v. *Russell,* 143 Mass. 295, 9 N. E. 544; *Christian Hospital* v. *People,* 223 Ill. 244, 79 N. E. 72. And even the existence of malice in the publication of a libel can make no difference in the jurisdiction of equity courts. *Kidd* v. *Horry,* 28 Fed. 773.

But equity will enjoin the issuance of a circular, threatening to bring suit for the infringement of a patent, where the publication was not made in good faith and injured the plaintiff's business. *Emack* v. *Kane,* 34 Fed. 46; *Atlas Underwear Co.* v. *Cooper Underwear Co.,* 210 Fed. 347. Likewise an injunction will be granted, aside from the question of patent rights, where the libel is working an irreparable injury to plaintiff's business, because there is no adequate remedy at law. *National Life Ins. Co.* v. *Myers,* 100 Ill. App. 392; *Gompers* v. *Buck Stove and Range Co.,* 221 U. S. 418, 34 L. R. A. (N. S.) 874.

But where the party libelled sued at law and recovered a judgment which he was unable to collect owing to the defendant's insolvency, he is entitled to an injunction against further publication of a libel of like import. *Wolf* v. *Harris,* 267 Mo. 405, 184 S. W. 1139. And further, it has been held, without regard to insolvency, that, where there has been an action at law and verdict for the plaintiff, an injunction is allowable to restrain further publication of that which the jury has found to be an actionable slander or libel. *Flint* v. *Hutchinson, etc., Co.,* 110 Mo. 492, 19 S. W. 804, 16 L. R. A. 243.